

EXCUSED—6.

Baldwin,	Lawhon,
Bowser,	Lewis,
Goss,	Whitaker.

SPECIAL ORDER.

The Chair laid before the Senate

Senate bill No. 34, entitled "An act to amend articles 488 and 489 of the Code of Criminal Procedure and to add to said code articles 489a, 489b, 489c, 489d and 489e, providing for the attachment of witnesses in criminal cases and for the payment of expenses of witnesses in felony cases," on second reading.

By Senator Browning:

Strike out the word "capital" in line 4, section 1, and insert in lieu thereof the word "felony."

Adopted and bill ordered engrossed.

On motion of Senator Kearby, the constitutional rules requiring bills to be read on three several days were suspended, and the bill was put upon its third reading and final passage by the following vote:

YEAS—20.

Agnew,	Kearby,
Atlee,	McComb,
Cranford,	McKinney,
Crowley,	Pressler,
Dean,	Simpson,
Dickson,	Steele,
Greer,	Swayne,
Hutchison,	Tips,
Imboden,	Woods,
Jester,	Yoakum.

NAYS—1.

Browning.

ABSENT—4.

Boren,	Shelburne,
Douglass,	Smith.

EXCUSED—6.

Baldwin,	Lawhon,
Bowser,	Lewis,
Goss,	Whitaker.

Bill read third time and passed by the following vote:

YEAS—22.

Agnew,	Kearby,
Atlee,	McComb,
Browning,	McKinney,
Cranford,	Pressler,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Greer,	Swayne,
Hutchison,	Tips,
Imboden,	Woods,
Jester,	Yoakum.

NAYS—none.

ABSENT—3.

Boren,	Shelburne.
Douglass,	

EXCUSED—6.

Baldwin,	Lawhon,
Bowser,	Lewis,
Goss,	Whitaker.

Senator Imboden moved to reconsider the vote passing the above bill, and to lay that motion on the table.

Carried.

Senator Hutchison moved to suspend the regular business and to take up Senate bill No. 158.

Carried.

The Chair then laid before the Senate,

Senate bill No. 158, entitled "An act to define who are fellow servants and who are not fellow servants, and to prohibit contracts between employer and employes, based upon the contingency of the injury or death of the employe, limiting the liability of the employer for damages," on second reading.

The bill was read second time and ordered engrossed.

On motion of Senator Steele, Senate adjourned until to-morrow morning at 10 o'clock.

THIRTY-FIRST DAY.

SENATE CHAMBER.

AUSTIN, TEXAS, Feb. 14, 1893.

Senate met pursuant to adjournment.

Lieutenant Governor Crane in the chair.

Secretary Kennedy called the roll.

Quorum present, the following Senators answering to their names:

Agnew,	Lawhon,
Atlee,	Lewis,
Boren,	McComb,
Browning,	McKinney,
Cranford,	Pressler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Greer,	Steele,
Hutchison,	Swayne,
Imboden,	Tips,
Jester,	Woods,
Kearby,	Yoakum.

ABSENT—2.

Bowser,	Douglass.
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EXCUSED—3.

Baldwin,	Whitaker.
Goss,	

Prayer by Rev. G. C. Rector.

Pending the reading of the journal of yesterday,

On motion of Senator Steele, the reading of the same was suspended.

PETITIONS AND MEMORIALS.

By Senator McKinney:

Petition from a number of citizens of Falls county, protesting against any change in the judicial district by which the people of Falls county would be deprived of the services of the Hon. L. W. Goodrich as district judge.

Read and referred to Committee on Judicial Districts.

COMMITTEE REPORTS.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 10, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred

Senate bill No. 159, entitled "An act for the relief of one A. L. George,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

LAWHON, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 10, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred

Senate bill No. 61, entitled "An act to refund to W. B. Brush the sum of two hundred and seventy-five dollars purchase money paid by him as contractor of the State sewer at Austin, Texas, under act of May 5, 1882, in acquiring the 'right of way' for said sewer,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

All of which is respectfully submitted.

LAWHON, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 14, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 158, being "An act to define who are fellow servants and who are not fellow servants, and to prohibit contracts between employer and employes, based upon the contingency of the injury or death of the employe, limiting the liability of the employer for damages,"

And find the same correctly engrossed.

PRESSLER, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 14, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 145, being "An act to amend article 566, chapter 2, title 20 of the Revised Civil Statutes of the State of Texas, as amended by the Twenty-second Legislature, chapter 101, page 161,"

And find the same correctly engrossed.

PRESSLER, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 14, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 34, being "An act to provide for the payment of the expenses of attached witnesses in felony cases,"

And find the same correctly engrossed.

PRESSLER, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 14, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 166, entitled "An act to amend article 4248, chapter 10 of the Revised Civil Statutes, so as to require the filing of all the profiles of all railroads that have not heretofore been filed in the General Land Office in accordance with said article 4248, and the profiles of all new railroads hereafter constructed in the office of the railroad commission, and the transfer of all profiles heretofore filed in said office to the office of the railway commission, and providing a penalty for the enforcement of the provision of this act,"

Have had the same under consideration, and instruct me to report in back to the Senate with the recommendation that it *do* pass.

SWAYNE, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 14, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 108, entitled "An act to increase the duties of the board of railroad commissioners; changing the name of said board; providing for the organization of public warehouses, and to regulate the warehousing and inspection of grain in public warehouses in the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass.

SWAYNE, Chairman.

BILLS AND RESOLUTIONS.

By Senator Pressler:

A bill to be entitled "An act to amend article 389 of the Code of Criminal Procedure, by the addition thereto of article 389a."

Read first time and referred to Judiciary Committee No. 2.

By Senator Dickson:

A bill to be entitled "An act to amend article 4949, chapter 3, of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 2.

Call concluded.

SPECIAL ORDER.

The Chair laid before the Senate, Senate bill No. 96, entitled "An act to authorize the redemption of real estates sold under mortgage, trust deed, execution or other forced or judicial sale, and to provide the manner and time within which the same may be redeemed."

Bill read second time, and on motion of Senator Yoakum was considered by sections.

First section read, and

Senator Yoakum offered to amend as follows:

Amend by striking out "two," in line 4, and insert "one."

Adopted.

By Senator Tips:

Amend by adding to section 1 "and to also refund all taxes and repairs paid for and made by the purchaser, his heirs or representatives."

Adopted.

Sections 2, 3 and 4 were adopted without amendment.

Fifth section read. Senator Imboden moved to postpone consideration of this bill indefinitely.

Withdrawn.

The President gave notice of signing and did sign in the presence of the Senate.

House bill No. 171, "An act to grant to the Waco Water Power and Electric Company the right to construct and maintain and by necessary booms or otherwise, to protect, and from time to time to raise a dam across the Brazos river, and to purchase, condemn and pay for lands, rights and other property overflowed or injured thereby or necessary therefor," after the caption of same had been read.

Sections 5 and 6 of Senate bill No. 96 were adopted without amendment.

By Senator Swayne:

Amend by adding to section 1 as follows: "Provided, the purchaser shall have possession of said property, but in the event of redemption, he shall account to the person redeeming for reasonable rents, after deducting amount necessary for improvements."

Senator Yoakum offered to amend the amendment as follows:

Amend by adding, "the purchaser at such sales shall be entitled to possession within ten days after the sale, and shall not be required to pay the amount of his bill until he is put in possession."

Adopted.

The amendment as amended was then lost.

By Senator Dean:

Amend by striking out the enacting clause.

By Senator Agnew:

Amend by adding to section 1: "Provided further, that the provisions of this act shall not apply to administrators, executors or guardians sales, or sales made by order of the court in partition suits where the property can not be partitioned."

Adopted.

By Senator Lawhon:

Amend section 1 by adding after the word "purchaser," in line 6, the words "his agent or attorney or."

Adopted.

Action then recurred to Senator Dean's amendment offering to strike out the enacting clause.

Adopted by the following vote:

YEAS—17.

Boren,	Pressler,
Browning,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Greer,	Swayne,
Hutchison,	Tips,
Jester,	Woods,
Lawhon,	Yoakum.
Lewis,	

NAYS—8.

Agnew,	Kearby,
Atlee,	McComb,
Cranford,	McKinney,
Crowley,	Smith.

ABSENT—3.

Bowser,	Imboden.
Douglass,	

EXCUSED—3.

Baldwin,	Whitaker.
Goss,	

On motion of Senator Dickson, the Senate adjourned till to-morrow morning at 10 o'clock.